



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

MAY 10 2002

Benjamin Aaron Adler, Ph.D., J.D.
ADLER & ASSOCIATES
8011 Candle Lane
Houston, Texas 77071

#15

In re Application of :
Fung : DECISION ON PETITION
Application No. 09/376,774 :
Filed: August 17, 1999 :
Attorney Docket No. D6087 :

This is a decision on the "PETITION FOR WITHDRAWAL OF GOLDING OF ABANDONMENT UNDER 37 CFR 1.181" filed on January 16, 2002.

On June 18, 2001, an Advisory action was mailed to applicant which indicates that the period for reply expires on the mailing date of the Advisory action, OR continues to run from the mailing date of the final rejection, whichever is later. On October 17, 2001, a Notice of Abandonment for failure to timely file a proper reply to the Office letter mailed on June 18, 2001. On January 16, 2002, the present petition was filed. Applicant asserts that a proper reply, including a Petition for a Three Month Extension of time, was timely filed via facsimile on September 26, 2001. A complete copy of the reply filed on September 26, 2001 is accompanied the petition.

Applicant's statement and evidence have been carefully considered. The Supplemental Response after Final filed on September 26, 2001 is considered timely. Accordingly, the petition is **Granted**.

The application has been returned to pending status. The application will be forwarded to examiner for consideration after mailing of this letter.

Should there be any questions with regard to this letter please contact Cecilia Tsang by letter addressed to the Director, technology Center 1600, Washington, DC 20231, or by telephone at (703) 308-0254 or by facsimile transmission at (703) 308-3890.

Cecilia Tsang for
John Doll
Director, TC1600